

## WHAT ABOUT ROMEO AND JULIET... THE PROVISION?

- The Romeo and Juliet Provision does not make underage sexual activity “legal” but rather lowers the charge from a felony to a misdemeanor. A misdemeanor can still carry jail time, probation, or a fine. For example, if one of the partners is at least 14 but less than 16, and the other person is 18 or younger, then the Romeo and Juliet provision may apply.
- In the “real world”, a person under 18 is not likely to be charged with a crime for kissing or fooling around with his or her 15-year-old girlfriend or boyfriend. However, the younger one of the participants is and the greater the age difference between the younger and the older person, the more likely it is that someone may consider the contact to deserve criminal prosecution.

## WHAT IF...?

- I’m 13 and my boyfriend is 17 and we have intercourse?
  - The 17-year-old could be charged with Felony Statutory Rape.
- I’m 14 and my boyfriend is 17 and we have intercourse?
  - The 17-year-old could be charged with Misdemeanor Statutory Rape due to the Romeo and Juliet provision.
- I’m 19 and my girlfriend is 15 and we have oral sex?
  - The 19-year-old could be charged with Felony Aggravated Child Molestation.
- I’m 17 and my boyfriend (who is also 17) likes to text me sexually explicit pictures of himself?
  - He could be charged with Felony Child Sexual Exploitation.
- I’m 18 and convince my 16-year-old girlfriend to skip school to be with me or run-away from home?
  - The 18-year-old could be charged with Contributing to the Unruliness of a Minor. OCGA§ 16-12-1.

*\*This brochure is not intended to provide legal advice. It is strictly for educational purposes.*



## PARENTS AND GUARDIANS: YOU PLAY A ROLE

We can’t always prevent children from making poor choices. We can, however, talk with our kids about the potential consequences of their decisions. It may not be easy, but parents play an important role in helping teens to navigate relationships. **While the “age of consent” may be 16, you still have control over your child until he or she turns 18.**

We offer here, in simple terms, the current laws for teens involved in sexual activity or explicit pictures and video. While helping teens make the best decisions regarding their health will always be left to parents and guardians, this is a guide to educate them about their legal responsibilities. If you are concerned about your teen’s activities or suspect they are in an unhealthy or dangerous relationship, please seek legal advice.

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Governor’s Office for  
Children and Families

*The staff at Governor’s Office for Children and Families is dedicated to providing programs and resources to communities to educate and support Georgia’s youth to cultivate the skills to enter into positive, healthy relationships of all kinds and feel empowered to exit those that do not richly impact their future.*

## GOVERNOR’S OFFICE FOR CHILDREN AND FAMILIES



## TEENS, SEX AND THE LAW: A GUIDE FOR TEENS AND PARENTS

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# Teens, Sex and the Law: The Facts

## HOOKING UP?

- In Georgia, the **age of consent is 16**. That means that both partners must be at least 16 to do anything physically intimate or sexually arousing – from “messaging around,” to having oral sex or intercourse.
- Believing that your partner is 16 doesn't count – no matter how old they act or look.
- In some cases, the penalties for having oral sex with someone under 16 can be more severe than the penalties for having intercourse.



## WHAT'S GOING ON – ONLINE?

- Taking nude or inappropriate pictures or movies of yourself or others and sending them to friends on their cell phones or posting them online can be a serious crime.
- Sending explicit emails, text messages, or voicemails to a person under 18 is illegal and you may be prosecuted. OCGA §§ 16-12-100, 100.1.
- If you're texting a boyfriend or girlfriend living in another state or chatting on a social networking site, other states may have even stricter laws.
- Consider this...
  - When the teen is under 16 or if the photos are extremely explicit and are distributed, the District Attorney can charge offenders with a felony carrying a significant prison sentence of up to 20 years. OCGA §§ 16-12-100, 100.2.

## WHAT'S THE CHARGE... LEGALLY?

Think about these primary legal charges that result from initiating sexually arousing, intimate contact with someone under the age of 16:

- **Child molestation:** Doing any “immoral or indecent act” to or in the presence of (or with) any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either partner. Fondling, petting, rubbing, fooling around, etc. could all technically fall into this category. A first offense carries a sentence of at least five years in prison and publication of your picture on the Internet and years of restrictions as a sex offender.
- **Sodomy** is any act involving the sex organs of one person and the mouth or anus of another. OCGA § 16-12-2. Oral sex is sodomy.
- **Aggravated child molestation** is child molestation that results in physical injury to the victim or that involves an act of sodomy. Any act of oral sex with a person under the age of 16 could be charged as aggravated child molestation. A person 13 years or older charged with aggravated child molestation will be charged as an adult in superior court and will face a prison sentence of 25 years minimum without parole.
- **Aggravated sodomy** is sodomy that involves force or coercion or involves a victim less than 10 years old. Is the victim too drunk or drugged to really know what is going on? If so, a prosecutor could charge someone who takes advantage of that person with aggravated sodomy. A person 13 years or older charged with aggravated sodomy will be charged as an adult in superior court and will face a prison sentence of 25 years minimum without parole.
- **Statutory rape.** Having intercourse with any person under the age of 16 years (unless you're married) is a felony that carries prison time. OCGA § 16-12-3. A person who is 21 and commits this crime will be sentenced to at least 10 years in prison.

**Felony-** a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months. O.C.G.A. § 16-1-3

**Misdemeanor-** any crime other than a felony. O.C.G.A. § 16-1-3

